

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAUCCELL BRITT,

Plaintiff

v.

WASHOE COUNTY,

Defendant

Case No.: 3:21-cv-00139-MMD-CSD

Order

Re: ECF Nos. 22, 23, 25

Before the court are Plaintiff's motion for appointment of counsel (ECF No. 22) and two motions to reopen this case (ECF Nos. 23, 25).

Plaintiff initiated this action by filing a blank application to proceed *in forma pauperis* (IFP), and a blank complaint form, and a document stating that while he was in the Washoe County Jail, he suffered injuries. He alleges both of his wrists were broken, he pulled a muscle, and he suffered an aneurism and multiple strokes. (ECF Nos. 1, 1-1, 1-2, 1-3.) That document contained an address on Monroe Street in Reno, Nevada, indicating Plaintiff was not in custody. The court issued an order denying the IFP application without prejudice because it was incomplete, and directed the clerk to send Plaintiff a copy of the instructions and IFP application for a non-prisoner, as well as a section 1983 civil rights complaint form and advisory letter. The court gave Plaintiff 30 days to file the completed IFP application or pay the filing fee and file a completed civil rights complaint. Plaintiff was cautioned that a failure to do so would result in dismissal of his action without prejudice. (ECF No. 6.)

On April 26, 2021, Plaintiff filed an IFP application and form complaint where he filled in his name and signed the form complaint, but he provided no allegations or other details

1 regarding any purported constitutional violations. (ECF Nos. 8, 8-1.) Plaintiff then filed a notice
2 of change of address indicating he was housed at the Washoe County Detention Facility
3 (WCDF).

4 Since Plaintiff was an inmate within WCDF, the court ordered him to file a completed
5 IFP application and financial certificate for an inmate, as well as a completed civil rights
6 complaint. (ECF No. 11.) The court specifically advised Plaintiff he was required to submit a
7 certified copy of his trust fund account statement (or institutional equivalent) from the
8 appropriate official at WCDF.

9 On August 11, 2021, Plaintiff filed a short form application to proceed IFP, which is not
10 on the court's form IFP application for inmates, and he did not include the required financial
11 certificate from WCDF. (ECF No. 12.) As such, the court denied the IFP application without
12 prejudice. (ECF No. 14.) Plaintiff also filed a new complaint. (ECF No. 13.) The court directed
13 the Clerk to send Plaintiff a copy of the instructions and application to proceed IFP for an
14 inmate, and ordered Plaintiff to complete the IFP application for an inmate and submit the
15 required financial certificate or pay the full filing fee within 30 days. Plaintiff was again
16 cautioned that a failure to do so would result in dismissal of his action without prejudice. (ECF
17 No. 14.)

18 Plaintiff did not timely file the IFP application and financial certificate or pay the filing
19 fee. In fact, the court's latest order was returned as undeliverable. Plaintiff did not file an
20 updated address in accordance with Local Rule IA 3-1. As a result, the court recommended
21 Plaintiff's action be dismissed without prejudice, and this case be administratively closed. (ECF
22 No. 17.) Chief District Judge Du adopted the report and recommendation, and the case was
23 dismissed without prejudice. Judgment was entered, and the case was closed. (ECF Nos. 18, 19.)

1 Chief Judge Du's order and the judgment were returned as undeliverable on
2 October 15, 2021. (ECF No. 20.) On December 14, 2021, Plaintiff filed a notice of change of
3 address indicating he was again residing on Monroe Street in Reno, Nevada. (ECF No. 21.) He
4 also filed a motion for appointment of counsel and motion to reopen his case. (ECF Nos. 22, 23.)

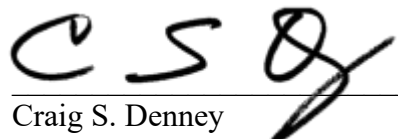
5 He subsequently filed another notice of change of address which contained a partial
6 address on Seneca Road, but it does not include the city, state, or zip code. A search of Google
7 maps indicates that the residence is likely located in Victorville, CA 92392. (ECF No. 24.)
8 Plaintiff also filed another motion to reinstate his case. (ECF No. 25.)

9 Plaintiff was cautioned several times that if he did not follow the court's orders, his
10 action would be dismissed without prejudice. As this action is now closed, Plaintiff's motions to
11 reopen his case (ECF Nos. 23 and 25) are **DENIED**, and his motion for appointment of counsel
12 is **DENIED AS MOOT**. The Clerk shall **SEND** Plaintiff a copy of ECF Nos. 17, 18, and 19 at
13 the Seneca Road address in Victorville, California 92392.

14 While Plaintiff may not proceed further in *this* action, Plaintiff may initiate a new action;
15 however, he is cautioned that he must file a completed IFP application or pay the \$402 filing fee.
16 He must file a completed civil rights complaint, and he must keep the court apprised at all times
17 of a complete current address. To that end, the Clerk shall **SEND** Plaintiff a copy of the court's
18 form IFP application and instructions for a non-inmate (as it appears Plaintiff is no longer in
19 custody), as well as a form civil rights complaint and instructions.

20 **IT IS SO ORDERED.**

21 Dated: May 27, 2022

22 
23 Craig S. Denney
United States Magistrate Judge